

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROLAND T. DAVIS,

Petitioner,

v.

DAVID BOBBY, Warden,

Respondent.

Case No. 2:10-cv-107

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Norah McCann King

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. § 2254. This matter is before the Court *sua sponte* to reopen the case, currently stayed, for the limited purpose of enabling the Court to address a pending motion to amend the petition (ECF No. 28).

Petitioner filed his habeas corpus petition on June 15, 2010. (ECF No. 15.) On September 8, 2010, this Court issued an *Opinion and Order* granting Petitioner's unopposed motion to stay this case and hold the proceedings in abeyance, pending Petitioner's exhaustion of state court remedies that he was pursuing. (ECF No. 18.) On October 26, 2011, Petitioner filed a *Notice* indicating that the Ohio Supreme Court had remanded his motion for a new trial to the trial court for reconsideration. (ECF No. 26.) As a result, this Court on November 2, 2011 issued an *Opinion and Order* essentially continuing its original stay and abeyance order. (ECF No. 27.)

Recently, on March 8, 2012, Petitioner filed a motion to amend or correct his petition to add a claim and/or facts challenging Ohio's execution procedures. (ECF No. 28.) Respondent filed a response on March 13, 2012 and Petitioner filed a reply on March 28, 2012. (ECF Nos. 31 and 32.) Because the Court is preparing to take the matter under advisement, the Court finds it necessary to vacate the stay of this case for the limited purpose of enabling the Court to rule on the pending motion to amend or correct the petition. In view of the limited purpose for which the Court vacates the stay of this case, it is not necessary for the parties to file any pleadings or

resume the litigation of this case in any manner.

For the foregoing reasons, the stay of this case is **VACATED** for the limited purpose of resolving the pending motion to amend or correct the petition.

IT IS SO ORDERED.

 6-14-2012

EDMUND A. SARGUS, JR.
United States District Judge